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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,346	02/14/2006	Masahiko Ikawa	403586/MELCO	2424
23548	7590	08/16/2010		
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER MOORE JR, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2467	
			NOTIFICATION DATE	DELIVERY MODE
			08/16/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/568,346	<b>Applicant(s)</b> IKAWA ET AL.	
	<b>Examiner</b> MICHAEL J. MOORE, JR.	<b>Art Unit</b> 2467	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 11, 13, 16, 18, 19, 24, 25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24, 25 and 27 is/are allowed.
- 6) ☒ Claim(s) 1 and 18 is/are rejected.
- 7) ☒ Claim(s) 11, 13, 16 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/17/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 6/17/09 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims **1 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Non-patent Literature "Dedicated Short-Range Communication System, ARIB STANDARD, Version 1.0" (hereinafter referred to as "ARIB STD-T75") in view of NPL document "DSRC in Japan – Status Report, DSRC International Task Force"

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(hereinafter "DSRC- ITS") published December 11, 2002, as well as Gerendai et al. (U.S. 7,542,472) (hereinafter "Gerendai").

Regarding claim **1**, *ARIB STD-T75* teaches a communication system including base stations and mobile stations as spoken of on page 5, section 2.3.1.1.

*ARIB STD-T75* also teaches multiple applications and services that the communication system is able to manage as spoken of on pages 5 and 6, sections 2.3.1.1. and 2.3.2.1.

*ARIB STD-T75* also teaches a communication system consisting of On-Board Equipment installed in vehicles (mobile stations) as well as road side units (base stations) as spoken of on page 3, sections 2.1.1., 2.1.2., and 2.1.3.

*ARIB STD-T75* also teaches a layer 7 structure for data transfer service where a Transfer Kernel element (transfer service processing entity) is used for data transfer services and provides services realized by the kernel elements needed to support several applications as spoken of on page 196, sections 4.4.2 and 4.4.2.1.1.

*ARIB STD-T75* also teaches where the layer 7 Transfer Kernel element (transfer service processing entity) includes the needed functionality from the network layer to the presentation layer 6 (implies providing application services without a network layer) as spoken of on page 193, section 4.3.4.5.4.2.1.

*ARIB STD-T75* also teaches where the layer 7 Transfer Kernel element (transfer service processing entity) offers its services by means of service primitives, which include a GET primitive, where the GET primitives result in the retrieval of information

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from a peer application on the base station/mobile station side as spoken of in section 4.4.3.4.1.

*ARIB STD-T75* also teaches data transmission which includes a unidirectional half-duplex communication as spoken of in sections 2.4.2 as well as 3.2.7.

*ARIB STD-T75* also teaches where a layer 2 MAC Sub-layer, Layer Management Entity and System Management Entity (transaction management entity) are used to exchange and manage service primitives of each layer (request-response transactions) as spoken of in section 2.5.1.

*ARIB STD-T75* also teaches that application identifiers are designated by applications in order to specify the types of application services provided from a base station as spoken of in section 4.2.4.2.1.7.

*ARIB STD-T75* also teaches where the MAC Sub-layer (transaction management entity) provides a resend data service as spoken of in section 2.5.1.2 and section 2.5.2 (under the heading "Communication Phase").

*ARIB STD-T75* also teaches where the MAC Sub-layer (transaction management entity) provides a service to establish a link connection (Association phase) to allow a base station and a mobile station to send and receive data as spoken of in section 2.5.1.2.

*ARIB STD-T75* also teaches where the MAC Sub-layer (transaction management entity) provides a fragmentation function (segmenting and reassembling) mapping one LSDU on plural MPDUs as spoken of on page 295 (under the heading "Fragmentation").

*ARIB STD-T75* does not teach “communication based on an Extended Link Control Protocol (ELCP)”.

However, *DSRC-ITS* teaches a protocol stack on page 4 where an Extended Link Control Protocol (ELCP) is utilized on top of the DSRC L1, L2, and L7 protocol layers.

*ARIB STD-T75* and *DSRC-ITS* are considered analogous art in that they are from similar fields of endeavor dealing specifically with managing communications between mobile stations and base stations.

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to utilize the ELCP layer shown in *DSRC-ITS* in the system of *ARIB STD-T75* in order to provide communications and management services to compensate DSRC communication functions as spoken of on page 4 of *DSRC-ITS*.

*ARIB STD-T75* in view of *DSRC-ITS* does not teach "utilizing port numbers" and "identifies a unit of a transaction between a mobile station and the base station system utilizing a transaction ID uniquely identifying a corresponding port number”.

However, *Gerendai* teaches a method of communication among mobile terminals and gateways utilizing a wireless transaction protocol, where service primitives that contain transaction handles (transaction IDs) are used to identify corresponding source and destination port numbers of a transaction as spoken of on column 8, lines 4-44.

*ARIB STD-T75*, *DSRC-ITS*, and *Gerendai* are considered analogous art in that they are from similar fields of endeavor dealing specifically with managing communications between mobile stations and base stations.

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to apply the transaction ID and port number usage as taught in *Gerendai* to the DSRC system of *ARIB STD-T75* in view of *DSRC-ITS* in order to effectively manage transactions by identification of transactions and associated data received that corresponds to transaction IDs as spoken of on column 8, lines 38-45 of *Gerendai*.

Regarding claim **18**, *ARIB STD-T75* in view of *DSRC-ITS* does not teach “wherein the transaction management entity aborts a transaction having a transaction ID identical to a transaction ID corresponding to the port number for which the corresponding application had made an abort request”.

However, *Gerendai* teaches a method of communication among mobile terminals and gateways utilizing a wireless transaction protocol, where service primitives that contain transaction handles (transaction IDs) are used to identify corresponding source and destination port numbers of a transaction as spoken of on column 8, lines 4-44.

*Gerendai* further teaches the aborting of a transaction via the invoking of a Transaction Abort service primitive as spoken of on column 18, lines 55-58.

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to apply the transaction ID and port number usage as taught in *Gerendai* to the DSRC system of *ARIB STD-T75* in view of *DSRC-*

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*ITS* in order to effectively manage transactions by identification of transactions and associated data received that corresponds to transaction IDs as spoken of on column 8, lines 38-45 of *Gerendai*.

### ***Allowable Subject Matter***

5. Claims **24, 25, and 27** are allowable over the prior art of record.
6. Claims **11, 13, 16, and 19** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding *new* claim **27**, *ARIB STD-T75*, *DSRC-ITS*, and *Gerendai* provide teachings as described above. *ARIB STD-T75*, *DSRC-ITS*, *Gerendai* as well as the other prior art of record fail to teach the claimed combination of receiving, converting, encapsulating, issuing, and encapsulating steps in the context of a Dedicated Short-Range Communication (DSRC) protocol system.

Regarding claims **24 and 25**, these claims are further limiting to claim **27** and are thus also allowable over the prior art of record.

### ***Response to Arguments***

8. Applicant's arguments with respect to *amended* claims **1 and 18** have been considered but are moot in view of the new ground(s) of rejection provided above.

### ***Conclusion***



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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee (U.S. 6,829,531), Choi (U.S. 6,756,915) and Kasagi (U.S. 6,861,958) are other references considered pertinent to this application.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. MOORE, JR., whose telephone number is (571)272-3168. The examiner can normally be reached on Monday-Friday (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached at (571) 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J. Moore, Jr./  
Primary Examiner, Art Unit 2467

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